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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 IN RE APPLE INC. SECURITIES  
14 LITIGATION

Case No. C06-05208-JF

CLASS ACTION

15 THIS DOCUMENT RELATES TO:  
16 ALL ACTIONS

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**DECLARATION OF VIVI LEE IN  
SUPPORT OF APPLE INC.'S REPLY IN  
SUPPORT OF MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND PLAN OF  
ALLOCATION**

**DECLARATION OF VIVI LEE**

I, VIVI LEE, declare as follows:

3       1. I am an attorney duly licensed before all of the courts of the State of California and  
4 the United States District Court for the Northern District of California. I am an associate in the  
5 law firm of O’Melveny & Myers LLP, counsel of record for defendant Apple Inc. (“Apple”). I  
6 make this declaration in support of Apple Inc.’s Reply in Support of Motion for Final Approval of  
7 Class Action Settlement and Plan of Allocation. I have personal knowledge of the matters stated  
8 herein and, if called upon, could competently testify thereto.

9        2.      On October 4, 2010, I caused notice of the Settlement to be provided on behalf of  
10 defendants to the United States Attorney General and the attorneys general for the states and  
11 territories of the United States pursuant to the Class Action Fairness Act of 2005, 28 U.S.C.  
12 § 1715. Attached hereto as **Exhibit A** is a true and correct copy of the letter sent to the  
13 Honorable Eric H. Holder, Jr., Attorney General of the United States (without enclosures).  
14 Identical letters were sent to the attorneys general for the states and territories.

15       3.     On November 23, 2010, I caused notice of the amendments to the Settlement and  
16 the rescheduled Settlement Fairness Hearing to be provided on behalf of defendants to the United  
17 States Attorney General and the attorneys general for the states and territories of the United  
18 States. Attached hereto as **Exhibit B** is a true and correct copy of the letter sent to the Honorable  
19 Eric H. Holder, Jr., Attorney General of the United States (without enclosures). Identical letters  
20 were sent to the attorneys general for the states and territories.

21       4.      As of February 4, 2011, Apple has not received, and to my knowledge no other  
22 defendant has received, any objection to the Settlement from the U.S. Attorney General or the  
23 attorney general of any state or territory.

24       5.       On January 22, 2011, Gary Sibley, purportedly on behalf of Dr. George Sibley,  
25 sent an email objecting to the Settlement to George Riley and Jay Eisenhofer, counsel of record  
26 for Apple and Lead Plaintiff, respectively. Upon receipt of Dr. Sibley's correspondence on  
27 January 22, 2011, I sent his attorney that day the relevant Settlement documents and fee petition  
28 and referred him to the settlement website and toll-free number. Attached hereto as **Exhibit C** is

1 a true and correct copy of the email I sent to Mr. Sibley on January 22, 2011 (without  
2 attachments).

3 6. On January 27, 2011, I sent Mr. Sibley an email summarizing the notice program  
4 and the facts surrounding the mailing of the Notice to Dr. Sibley. Attached hereto as **Exhibit D** is  
5 a true and correct copy of the email I sent to Mr. Sibley on January 27, 2011 (without  
6 attachment).

7 7. On February 1, 2011, I requested that the Claims Administrator, Epiq Class Action  
8 and Claims Solutions Inc., inform Class Members who inquire about the January 21, 2011  
9 deadline for objections and exclusion requests that they may submit late objections or exclusion  
10 requests for the Court's consideration. Attached hereto as **Exhibit E** is a true and correct copy of  
11 an email chain from February 1 and 2, 2011.

12 8. Attached hereto as **Exhibit F** is a true and correct copy of a January 29, 2011 letter  
13 from Charles S. Kyriazos.

14 9. Attached hereto as **Exhibit G** is a true and correct copy of a January 21, 2011  
15 letter from Winston Gouzoules.

16 10. Attached hereto as **Exhibit H** is a true and correct copy of Marshall J. Orloff and  
17 Ann S. Orloff's objection dated January 20, 2011.

18 11. Attached hereto as **Exhibit I** is a true and correct copy of Laura Hirshman's  
19 January 18, 2011 request for exclusion from the Class.

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21 I declare under penalty of perjury under the laws of the United States of America that the  
22 foregoing is true and correct.

23 Executed this 4th day of February 2011 at Menlo Park, California.

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/s/ Vivi Lee  
Vivi Lee

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